

1 James R. Condo (#005867)
2 **SNELL & WILMER L.L.P.**
3 One Arizona Center
4 400 E. Van Buren, Suite 1900
5 Phoenix, Arizona 85004-2202
6 Telephone: 602.382.6000
7 Facsimile: 602.382.6070
8 jcondo@swlaw.com

9 Richard B. North, Jr. (admitted *pro hac vice*)
10 Georgia Bar No. 545599
11 Matthew B. Lerner (admitted *pro hac vice*)
12 Georgia Bar No. 446986
13 **NELSON MULLINS RILEY & SCARBOROUGH LLP**
14 201 17th Street, NW / Suite 1700
15 Atlanta, GA 30363
16 Telephone: (404) 322-6000
17 Telephone: (602) 382-6000
18 richard.north@nelsonmullins.com
19 matthew.lerner@nelsonmullins.com
20 Attorneys for Defendants C. R. Bard, Inc. and
21 Bard Peripheral Vascular, Inc.

22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

29 IN RE: Bard IVC Filters Products Liability
30 Litigation,

31 No. 2:15-MD-02641-DGC

32 **DEFENDANTS' PROPOSED**
VERDICT FORM

33 (Assigned to the Honorable David G.
34 Campbell)

35 This Document Relates to:

36 Lisa Hyde, et al. v. C. R. Bard, Inc., et al.
37 CV-16-00893-PHX-DGC

38
39 In accordance with the Case Management Order No. ____ [Doc. ____], Defendants
40 hereby submit their proposed Verdict Form:

1 We, the jury empaneled and sworn in the above action, upon our oaths, find as
 2 follows:

3 **A. LIABILITY**

4 **1. Strict Product Liability Design Defect Claim¹**

5 a. Do you find with reasonable certainty that the foreseeable risks of the harm
 6 posed by the design of the filter implanted in Mrs. Hyde could have been
 7 reduced or avoided by the adoption of a reasonable alternative design by
 8 Bard? _____ Yes _____ No

9 If you answered “No” go to Question 1.a. do not complete parts 1.b. and 1.c. and
 10 go to Question 2.

11 b. If you answered yes to 1.a., Do you find with reasonable certainty that the
 12 omission of an alternative design renders the filter implanted in Mrs. Hyde
 13 not reasonably safe? _____ Yes _____ No

14 If you answered “No” go to Question 1.a. and 1.b. do not complete Question 1.c.
 15 and go to Question 2.

16 c. If you answered yes to 1.b., Do you find with reasonable certainty that the
 17 defective condition of the filter implanted in Mrs. Hyde rendered the filter
 18 unreasonably dangerous to her? _____ Yes _____ No

19 If you answered “No” go to Question 1.a., 1.b. and 1. c do not complete Question
 20 1.d. and go to Question 2.

21 d. If you answered yes to 1.c., Do you find that Mrs. Hyde’s injuries were
 22 caused by an inherent characteristic of the filter that would be recognized by
 23 physicians who implanted the filters? _____ Yes _____ No

24 **2. Negligent Design Claim**

25
 26
 27 ¹ Bard notes that Wisconsin Pattern Instruction 3260.1 contemplates an interrogatory on
 28 the strict liability claim.

1 Do you find with reasonable certainty that Bard is liable to Mrs. Hyde Jones on the
2 negligent design claim? _____ Yes _____ No

3 If you answered "No" to each any Question in A.1. and "No" to Question A.2., do
4 not complete Part A.3 or Parts B or C. If you answered "Yes" to any question in Part A.1,
5 or Question A.2. and please complete Question A.3, Questions B and C.

6

7 **3. Loss of Consortium Claim**

8 Do you find with reasonable certainty that Bard is liable to Mr. Hyde for loss of
9 consortium? _____ Yes _____ No

10

11 **B. COMPENSATORY DAMAGES**

12 1. If you found Bard liable on any of the claims set forth above, what amount
13 of damages do you find will reasonably compensate Mrs. Hyde for her injuries?

14 \$ _____

15 2. If you found Bard liable on Mr. Hyde's claims for loss of consortium, what
16 amount do you find will reasonably compensate Mr. Hyde for his claim?

17 \$ _____

18

19 **C. PUNITIVE DAMAGES**

20 Do you find by clear, satisfactory, and convincing evidence to a reasonable
21 certainty that punitive damages should be awarded against Bard? _____ Yes

22 _____ No

23

24

25 _____
Presiding Juror Number

26

27

28

Date

1 DATED this 28th day of August, 2018.

2 s/Richard B. North, Jr. _____

3 Richard B. North, Jr.

4 Georgia Bar No. 545599

5 Matthew B. Lerner

6 Georgia Bar No. 446986

7 Elizabeth C. Helm

8 Georgia Bar No. 289930

9 NELSON MULLINS RILEY & SCARBOROUGH, LLP

10 Atlantic Station

11 201 17th Street, NW / Suite 1700

12 Atlanta, GA 30363

13 PH: (404) 322-6000

14 FX: (404) 322-6050

15 Richard.North@nelsonmullins.com

16 Jim.Rogers@nelsonmullins.com

17 James R. Condo (#005867)

18 SNELL & WILMER L.L.P.

19 One Arizona Center

20 400 E. Van Buren

21 Phoenix, AZ 85004-2204

22 PH: (602) 382-6000

23 JCondo@swlaw.com

24 **Attorney for Defendants C. R. Bard, Inc. and**
Bard Peripheral Vascular, Inc.

Nelson Mullins Riley & Scarborough

LLP. _____
201 17th Street, N.W. Suite 1700
Atlanta, GA 30363
(404) 322-6000

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 28, 2018, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send notification of such filing to all counsel of record.

s/Richard B. North, Jr.
Richard B. North, Jr.
Georgia Bar No. 545599
NELSON MULLINS RILEY & SCARBOROUGH, LLP
Atlantic Station
201 17th Street, NW / Suite 1700
Atlanta, GA 30363
PH: (404) 322-6000
FX: (404) 322-6050
Richard.North@nelsonmullins.com

Nelson Mullins Riley & Scarborough
L.L.P. —————
201 17th Street, N.W., Suite 1700
Atlanta, GA 30363